

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NUVEEN MUNICIPAL HIGH INCOME
OPPORTUNITY FUND, *et al.*,

Plaintiffs,

v.

CITY OF ALAMEDA, *et al.*,

Defendants.

No. C 08-4575 SI

**ORDER DIRECTING FURTHER
BRIEFING ON NUVEEN'S ILLINOIS
SECURITIES ACT CLAIM**

Stone & Youngberg moved for summary judgment on plaintiffs' claim under the Illinois Securities Act arguing, *inter alia*, that plaintiffs have not established a sufficient physical nexus with Illinois to invoke the Act. Plaintiffs assert that the Notes were marketed and sold to plaintiffs in Illinois. Neither S&Y nor plaintiffs submitted any evidence on this point.

The Court directs S&Y and plaintiffs to file by **noon on May 18, 2011**, supplemental briefs addressing whether the "complained-of sale was a 'sale in [Illinois].'" *Benjamin v. Cablevision Programming Investment*, 114 Ill.2d 150, 158 (1986) (quoting *McBreen v. Iceco, Inc.*, 12 Ill. App. 2d 372, 379 (1956)). The supplemental briefs shall be no more than 5 pages in length (not including any evidence). The Court will take the matter under submission and issue a separate order on the Illinois Securities Act claim.¹

IT IS SO ORDERED.

Dated: May 10, 2011


SUSAN ILLSTON
United States District Judge

¹ The Court will issue an order on the balance of the issues raised by the parties' summary judgment and related motions in advance of the May 18, 2011 status conference.